



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Seung U. Kim.
Serial No. : 09/887,145
Filed : June 22, 2001
For : "IMMORTALIZED HUMAN MICROGLIA
CELL AND CONTINUOUS CELL LINE"
Examiner : unknown
Group Art Unit : unknown
Attorney's Docket No. : UBC-002

PETITION FOR REVIVAL AND REINSTATEMENT OF AN
UNINTENTIONALLY ABANDONED PATENT APPLICATION SUBMITTED
PURSUANT TO 37 C.F.R. 1.137(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Sir:

Applicant hereby petitions for the revival and reinstatement of the above-identified non-provisional patent application in accordance with the provisions of 37 C.F.R. 1.137(b). As an accompaniment to this Petition, applicants enclose herewith a complete Reply in compliance with the requirements of 37 C.F.R. 1.821-1.825. These substantive documents and supporting statements properly complete the formal requirements required for the instant application.

The patent application in question became inadvertently officially abandoned on November 19, 2001; and this inadvertent abandonment is the consequence of applicant's unintended failure to file a complete Reply to the Notice To File Missing Parts mailed July 19, 2001 - as

subsequently revealed by the Notice Of Incomplete Reply (NonProvisional) mailed January 10, 2002.

Applicant now provide some informational details regarding the circumstances leading to the unintentional abandonment of this patent application. The relevant events begin with the Notice To File Missing Parts mailed July 19, 2001. A Reply to this Notice was submitted by applicant on November 13, 2001, together with a request for an extension of time through November 19, 2001. This Reply was submitted in good faith by applicant's undersigned attorney; and was believed to be complete and proper in all respects.

Subsequently however, a Notice Of Incomplete Reply (NonProvisional) was mailed on January 10, 2002, but was actually received by applicant's attorney only on January 16th, 2002. This Notice not only revealed for the first time the incomplete nature of the earlier-submitted Reply, but also explicitly reminded applicant that the time period for filing a supplemental response remained as originally set forth in the Notice mailed July 19, 2001. Thus, the six month statutory time limit for filing any supplemental response expired January 19th, 2002 – *i.e.*, three (3) calendar days after the Notice Of Incomplete Reply was actually received by applicant's undersigned attorney.

Applicant respectfully submits and affirms that the failure to comply with the requirements of 37 C.F.R. 1.821-1.825 in the Reply mailed November 13, 2001 was unknowing made, was an unfortunate oversight and was an unintentional error. In addition, applicant submits and affirms that this error in completeness was unknown and

remained identified until the subsequent Notice Of Incomplete Reply [mailed on January 10, 2002] was actually received by applicant's undersigned attorney on January 16, 2002. Only then was the incomplete nature of the earlier-submitted Reply recognized. However, it was impossible for applicant to prepare and to submit a supplemental response in compliance with the requirements of 37 C.F.R. 1.821-1.825 before the expiration of the six month statutory time limit occurred on January 19, 2002. The instant applicant thus became inadvertently and unintentionally abandoned as a consequence.

Applicants, by and through their undersigned attorney, therefore respectfully request that this Petition pursuant to 37 C.F.R. 1.137(b) for revival and reinstatement of an unintentionally abandoned application be granted; and that the Assistant Commissioner formally authorize the revival of unintentionally abandoned USSN 09/887,145 filed June 22, 2001. In view of applicant's status as a Small Entity, the requisite fee of six hundred forty (\$ 640.00) dollars pursuant to Section 1.17(m) [FY2002] for submitting this Petition to revive an unintentionally abandoned application is also enclosed.

Respectfully submitted,

SEUNG U. KIM

Date: March 14, 2002
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By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicant



Express Mail mailing label number ET13283878965

Date of
Deposit

March 14, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 with the mailing label number and the date indicated above, and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

David Prashker

(Typed or printed name of person mailing paper or fee)

David Prashker

(Signature of person mailing paper or fee)